

Mrs. HUTCHISON. Mr. President, if the Senator will withhold, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may introduce one amendment that I don't believe is controversial. It covers the issue of allowing pilots to continue to fly until the age of 63.

Mrs. HUTCHISON. Mr. President, the Senator from New Hampshire is asking that we object to every unanimous consent request regarding offering of amendments. Will the Senator withhold to let me see if I can get a procedure by which the Senator from Alaska can offer the amendment.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I call up amendment No. 1863, which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ROCKEFELLER. Reserving the right to object, this amendment, as I understand it, is the first amendment that will be unrelated to the bill. I don't want to comment further on that. We are going to have our cloture vote at 1:35. I object, at least for this period of time.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. Mr. President, I wonder if I may ask unanimous consent that I be allowed to speak as in morning business for about 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE NEED FOR PILOTS TO HAVE GUNS IN THE COCKPIT

Mr. MURKOWSKI. Mr. President, it was my intent to call up two amendments. But there is objection. As a consequence, I will use this opportunity to discuss the merits since I will not be offering the amendments now. They have already been filed at the desk. It is my intent, at the appropriate time, without objection, to ask for a recorded vote on the amendments. I want to speak on the application of the amendments and the importance of the amendments.

One of the amendments seeks to address the issue of what we do with our commercial aviation safety relative to the reality that we do put our lives in the hands of the pilot in command—

and the copilot, to a degree, depending on who has control of the aircraft. With the limited knowledge that we have relative to the two aircraft that went into the World Trade Center, and looking back at the apparent effort by passengers and, perhaps, some members of the crew, to try to take over the aircraft that went down in Pennsylvania, one clearly can project what the outcome might have been had the captain of any of those aircraft had a handgun in the cockpit, available for such a set of circumstances.

It reminds me of an occasion with a little different circumstance. I will try to put it in the vein in which it was communicated to me. It is not an exact parallel, but it represents a reality associated with a handgun emergency. My wife and I were in New York a number of years ago and had been to the theater and were going back to our hotel in the financial district. As the taxicab came to a stoplight with several other cabs, there was a policeman with his baton tapping on the windows.

The cabbie rolled down the window and the policeman said: How is your fare?

He said: Fine. And then the window was rolled up and the taxicab went on.

I asked the cabbie: What was that all about?

He said: We have had a number of robberies and a couple of taxicab drivers have been murdered in New York, so we are tightening up security.

We went on for a while, and I casually said: Have you ever had a problem?

He said: Only once.

I asked him what the problem was. He said he was taking a couple somewhere and felt a little uneasy because they didn't seem to know where they were going. He took them to an area, and he decided the best thing he could do would be to let the fares out. There were two women and a man. As he told them to get out of the cab, suddenly he felt a razor at his neck. They said: Turn over your wallet, and all the money you have.

He said: I can't until I get out of the cab. They had to move at that time so they could get out of the back seat and he could get out of the front seat. As he did, he reached under the seat and pulled out a pistol. The next time they confronted him, they were looking right at the end of his barrel.

I asked him: What did you do then?

This is the part of the story that is really not apropos.

He said: I lined them up to the fence and robbed them.

I thought that was an interesting turn of events.

I said: Did you report it?

He said: Well, no, I didn't have a permit for the gun.

That is a little story that I think applies, at least in the sense that had the pilot in command had the availability

of a gun, things might have been entirely different. One of my amendments seeks to arm pilots of commercial aircraft with handguns, and I think the justification for that speaks for itself.

We put our lives in the hands of a pilot. Aviation security is of vital importance to our Nation's security, our economy, and we have learned a lot since the tragic events since September 11 about how much our Nation depends on our freedom to move about our country. We also rely, obviously, on our lifeline of shipments and products. Most importantly, our citizens rely upon the airlines for safe transit around the country and throughout the world.

I think it is our duty to ensure that they are traveling safe and secure, and their confidence by our efforts will decide the future of air travel in our Nation and, in turn, the health of our country. Throughout this debate, we must remember that, as each passenger boards a commercial airliner, they first look toward the cockpit. They look toward the cockpit and the flight crew for their immediate security, because we all know that they, indeed, have our lives in their hands and they are trained and competent. When the plane rises into the sky and the wheels tuck away into the underbelly of the aircraft, it is the pilot, copilot, and sometimes the navigator—the entire flight crew—who serve as the last line of defense and security for that aircraft and the passengers therein.

So we as legislators, and as passengers, trust the flight crew with our safety and security. We must ensure that they have the tools to compete, if you will, and to complete the task. For this reason, I have an amendment at the desk, which I will not call up at this time, but I intend to do so when there is no objection. This amendment would be to the Aviation Safety Act, and it would allow pilots, copilots, and in the case of navigators on commercial aircraft the ability and authority to carry a handgun while in flight for the defense of the plane.

We are talking about putting air marshals on the aircraft, aren't we? We are talking about allowing them to be armed. The authority of an air marshal currently on an aircraft indeed suggests that that individual is armed. You can't put air marshals on all flights, but you can provide the authority for the captain and copilot to carry a handgun in the cockpit.

I think this is, first and foremost, really an effort to increase the level of safety aboard our commercial fleets. It is intended to give crew members the weapons and the necessary skills to thwart future hijacking attempts and to assist Federal sky marshals assigned to commercial aircraft.

I don't take this amendment lightly. My amendment does not cavalierly attempt to hand out guns to flight crews

and simply wish them the best. Because of the September 11 tragedy, and the tactics used by the hijackers that day, we must change the way aircraft and passengers are protected, and I believe my amendment contributes to that effort because it provides for strict and thorough background checks on all individuals who would be armed under this provision.

Secondly, it would require that flight deck personnel attend a training program approved by the Secretary of Transportation in consultation with other appropriate Federal agencies.

My amendment also requires annual recertification to ensure that flight deck personnel maintain a high level of training.

Third, this amendment deputizes flight deck personnel who have passed training certification. This is a critical component, and this amendment is necessary because it is imperative to keep the crew protected and in control of the craft, but it is carefully tailored to limit authority to cockpit protection.

As many in this Chamber are aware, there is a large percentage of pilots who have served in the military. Many have served in law enforcement. In fact, many also serve as Reservists in different branches of the military. These pilots have been trained in the use of weaponry. Why not utilize the trained personnel we already have?

I am not alone in this. The Airline Pilots Association supports this concept. They have written to the FBI requesting a program to train cockpit personnel, and I have heard from many pilots, particularly in my State of Alaska and around the country, who support it.

Frankly, many of our aircraft in Alaska fly in the bush and carry guns on the aircraft in control of the captain. It is done for a number of reasons, primarily not associated with terrorism, but simply the reality if you have an accident, if you go down in an isolated area, you damn well better have a gun for your own survival and that of your passengers. Why not further enhance the chances of passenger and aircraft survival.

I applaud the administration and this Congress for moving quickly to secure the cockpit cabins and adding the sky marshals who, obviously, will have guns, improving airport perimeter security, training screening personnel, and increasing flight deck security. But we must also afford passengers the utmost security after the plane has cleared the runway. Arming pilots is not the only solution, but it is an important component because it might have resulted in those aircraft not reaching the tragic end they did.

The pilots know what they need. The pilots have spoken. The passengers certainly will support it, and the Congress should pass it. I encourage my col-

leagues to support this amendment when it does come up and is not objected to and the entire Aviation Security Act.

There is one other amendment I wish to talk about but which I am not prepared to offer because of the objection, but I plan to offer an amendment that would repeal the Federal Aviation Administration rule which requires pilots who fly under part 121 to retire at age 60. It might be a good thing if we had to retire around here at age 60, but obviously there is no check and balance on the Senate, but there is on pilots.

If you are 60, you are through. How ridiculous is that? This was something that was done many years ago. I would much rather fly with an experienced pilot who has lived to 60, and the fact that suddenly he turns 60 and he is no longer fit to fly is totally unrealistic. The hours gained and the experience gained provides a level of safety with which we all feel more comfortable.

If you fly with a person who has limited hours, who may be very young and very quick, they may not have the experience to know what to do under certain conditions, mechanical, weather, or otherwise.

This amendment seeks to end blatant age discrimination against our Nation's commercial pilots. Under the amendment I propose, pilots who pass the physical and are in excellent health will be allowed to continue to pilot commercial aircraft until their 63rd birthday. This is optional. They do not have to. They can retire at 60. We are offering an extension.

The amendment will also allow the FAA to require pilots to undergo additional medical and cognitive testing for certification as well as established standards for crew pairings. In many European countries you can fly until 65. What is the difference?

This measure was the subject of a full Commerce Committee hearing and was voted out of committee by a majority in March of this year. This issue has had a hearing.

Why does the FAA mandate pilots retire at 60? Good question. According to the agency, it is because of "medical uncertainties concerning pilot health after the age of 60." That was a long time ago. We live longer. We are in better health. We have regular physicals.

There are other theories. While public comments were accepted, no public hearing to debate the issue was ever held. Think of that. While public comments were accepted by the FAA, no public hearing to debate the issue was held. Despite broad industry, pilot and union opposition, the rule went into effect in 1960. The union supported it then. They wanted the pilots to be allowed to fly longer.

Since that time, we have seen studies sponsored by the FAA. None produced concrete evidence that pilots over 60 years of age are a threat to the flying

public. In fact, the studies have not even included pilots over 60. Why? The FAA believes it lacks scientific consensus, whatever that means, in favor of changing the age 60 rule. The argument exists that there is no test that can determine the medical and psychological fitness of a pilot to fly after 60. However, advanced physiological and neurobehavioral testing methods do exist to test pilots of any age.

Today, simulator training data estimates the risk of incapacitation due specifically to cardiac complaint as only one event in more than 20 million flight hours. Sudden in-flight incapacitation is clearly a far less threat to aviation safety than are mishaps due to, what? Inexperienced pilot error, those pilots who are younger and who simply do not have the time, experience and know-how to recover from situations that can occur.

Medical science has vastly improved since 1959 with improvements in diagnosis which include early detection, prevention, health awareness, exercise, and diet. All of these factors have increased life expectancy since 1959.

Airline pilots consistently demonstrate superior task performance across all age groups when compared to age-matched nonpilots. Pilots are also subjected to comprehensive medical examinations, when? Every 6 months.

In the 42 years since the rule was promulgated, there has not been any evidence shown that pilots over age 60 are not fully capable of handling their flight responsibilities. As many of my colleagues are aware, up until the end of 1999, pilots were allowed to fly past the age of 60 in commuter operations.

This amendment also brings to mind several other pieces of legislation. During the debate on the Senior Citizens' Right to Work Act of 2000, Senators supported the notion that workers today live longer, are healthier, and live more productive lives, and that senior workers are an invaluable resource to our Nation.

When enacting the Experienced Pilot Act of 1978, Congress stated that the age 60 rule is arbitrary and discriminatory on its face. It deprives qualified individuals of the right to continue in their occupation and, at the same time, deprives the airlines of their most qualified and experienced employees.

The time has come for Congress to repeal the age restrictions for commercial pilots. We have had the hearings, and we have the need. Years of medical and safety data have failed to support the position that the chronological age of 60 represents a passenger safety concern. Therefore, as long as pilots can pass the rigorous medical exam, he or she should be allowed to fly.

We are proposing this only until age 63. We will evaluate the program, obviously, after that time. Air service is critical, as we know, to keeping commerce alive. Experienced airmen are

especially critical in rural States. In my State of Alaska, we have a huge land mass, one-fifth the size of the United States. Many of our smaller carriers provide the training ground for pilots and then suddenly those pilots leave to go work for the larger airlines. We are constantly experiencing a level of experience that lends itself occasionally to accidents as a consequence of the inexperience. We want to keep pilots, and if we could even bring some back who are over 60 and want to keep flying in the commuter area, I think it would be beneficial.

It is time we end age discrimination once and for all and keep experience in the cockpit. I recognize some of the unions are a little jumpy on this one, but those pilots in the right seat, the copilots, are going to want to fly a little longer when they get a little older, too. So this thing can all level out.

The difference between the unions on this issue and the airlines is it is a business decision, a matter of retirement. What we are talking about is a need for these pilots to fly. They are healthy. Give them another 3 years, evaluate the program, and get the benefit of experience.

I thank the Chair for the attention and the courtesies of allowing me to finish, and at an appropriate time I want to advise the floor managers I intend to offer the amendments that are at the desk for a formal introduction and ask for rollcall votes at that time.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 1, 2001, from Alaska Airlines pilot Carroll John Campbell.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHUGIAK, AK, *October 1, 2001.*

Hon. Senator ROBERT SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: I am writing in response to a conversation I had with one of your staff members concerning aviation safety. My name is Carroll John Campbell. I am an airline pilot with Alaska Airlines. The recent change in the tactics of hijackers aboard our aircraft have necessitated a change in our response as an airline crew and as a traveling public. Today, one has to believe that if a terrorist breaches the cockpit, which is easy, they are going to kill everyone on board the aircraft and any number of people on the ground. Our current security procedures lack the ability to stand in the way of these atrocities. New, stronger cockpit doors are a must, and even those may be compromised. In this event, the only thing standing between the airplane and our friends and families on the ground is the flight crew.

Lethal weapons are the surest means of defense. Handguns are our best option. Non-lethal weapons such as stun guns are of limited value in a phone booth sized compartment when fighting a knife. I would much rather have the knife.

Current FAR's (108.11) authorize crews to be armed. However, the FAA and airline policy double team the pilot to keep us un-

armed. We need new fool proof legislation that guarantees any pilot who wants to be armed, can be armed.

I will be happy to work with your office to draft this legislation. The public is finally demanding our incapable security system be fixed after these horrendous attacks on Sept. 11, 2001. Please don't let them down.

Sincerely,

CARROLL JOHN CAMPBELL.

AVIATION SECURITY ACT— Continued

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader, is recognized.

Mr. REID. Mr. President, during the next 55 minutes we are under controlled time, controlled by the majority and minority leaders. So if anyone desires to speak on this very important matter which will occur, as I said, in 55 minutes—each side has an equal amount of time—I will yield to whom ever wants to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. We have plenty of time. I ask the Senator from New York, how much time does the Senator wish to use?

The PRESIDING OFFICER. There are 25 minutes 48 seconds remaining on the Democratic side.

Mrs. CLINTON. Mr. President, I expect to consume 5 minutes or less.

Mr. REID. On behalf of the majority leader, Senator ROCKEFELLER will yield the time until the vote occurs, or if Senator HOLLINGS comes in, he will yield the time.

Mrs. CLINTON. Mr. President, I do not want to impinge upon the time of my good friend, Senator ROCKEFELLER.

Mr. REID. No. Please go ahead.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise again in support of the amendment offered by Senator CARNAHAN to provide immediate assistance to the over 100,000 airline workers and those in aviation-related industries who have been laid off and lost their jobs as a direct result of the terrorist attacks of September 11.

I just came from a very moving ceremony of commemoration at the Pentagon, where the lives of those military and civilian employees at the Pentagon, as well as the lives of the crew and passengers of the airplane that was mercilessly driven into the Pentagon, were honored.

I know we are working on other kinds of relief, and I am grateful to the

President, the administration, and my colleagues for the work that is being done on the economic stimulus package and for the work that is being done with respect to unemployment insurance and dislocated workers' assistance, but I believe we have an obligation to move quickly with respect to the workers who have been laid off through no fault of their own or of their industry, and we cannot wait for the larger packages to be put together and negotiated.

Just as we must provide security to all Americans who are flying in our skies, we also should provide economic security to those who have supported us in the hundreds of thousands and millions of flights that were a matter of course before September 11. They were doing an important job in maintaining our free travel and supporting an important economic activity, and now they are confronting the cruelest kind of questions: How will they make their next car payment? How will they be able to afford the clothes their children might need? How will they know whether to go out and look for another job or hope and wait that business picks up on our airlines? I do not think we should be leaving our workers who have already been laid off. They need our help right now. I do agree we have to address the need to help all workers.

In New York, for example, the State labor department is estimating that 285,000 workers throughout New York will lose their jobs as a result of the attack we suffered. I do not think we should leave any of these workers behind. If we are trying to build confidence—confidence in consumers, confidence in citizens—then we should address the needs of those people who have been economically harmed by these attacks. I respect the work that others are undertaking. I will support that.

I ask this Chamber to send a message by voting in favor of Senator CARNAHAN's amendment that we are not going to just bail out airlines; we are not just going to protect the traveling public. We are going to help protect economically those who we hope will be back in the skies, back behind the counters, handling the baggage.

I met yesterday with a group of executives from the travel and tourism industry. Stories from them about the low occupancy rates, the fact that people are not traveling for business or pleasure, were very disturbing to me. Everyone knows we have real economic challenges. The last thing in the world we need is people who are scared to go about their daily business, who are scared to take that long-planned trip to Disney World, who are scared to fly across the country to show off their new baby to their mother or grandmother.

Until we can get that confidence up—and I applaud our wonderful leadership